

CR15-00707-SRB

GREGORY NEVILLE-PART 1

2-26-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR15-00707-PHX-SRB
vs.)	Phoenix, Arizona
)	February 26, 2016
Abdul Malik Abdul Kareem,)	
)	
Defendant.)	

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #8
TESTIMONY: GREGORY NEVILLE - PART #1
(Pages 1-84, Inclusive.)

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E X C E R P T O F P R O C E E D I N G S

MR. KOEHLER: The United States called Gregory Neville.

(Witness duly sworn)

THE CLERK: Please state your name for the record and spell your last name.

THE WITNESS: Greg Neville. N-E-V-I-L-L-E.

THE COURT: You may proceed, Mr. Koehler.

GREGORY NEVILLE, WITNESS, SWORN

DIRECT EXAMINATION

BY MR. KOEHLER:

Q Good morning, Mr. Neville. Could you please introduce yourself to the jury.

A My name is Greg Neville. I'm an Intelligence Analyst with the FBI.

Q How long have you worked for the FBI?

A Ten months.

Q And what did you do before working for the FBI?

A I worked for a contract security company managing the contract between that company and a private company.

Q And how long were you in that position?

A Seven years.

Q Let's talk about your work for the FBI.

What kind of training have you received as an Intelligence Analyst for the FBI?

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1 A I received ten months of training at Quantico for new
2 Intelligence Analysts. I have also received five days of
3 additional training in open source research and exploitation.

4 Q Do you do open source research -- open source research and
5 exploitation on a daily basis in your job?

6 A Yes, I do.

7 Q Can you tell the jury in general terms what open source
8 research and exploitation means.

9 A Generally speaking, that's anything that is publicly
10 available. Most of it consists of social media, so it is the
11 collection and exploitation of social media intelligence.

12 Q And what kind of social media sites do you go to to
13 exploit for open source information?

14 A Things like Twitter, Facebook, Google+, anything along
15 those lines.

16 Q When you are looking at those kind of sites, what kind of
17 material on those sites would you describe as being open
18 source?

19 A Anything that's publicly available for view, so anything
20 that the public could go to and see.

21 THE COURT: So when I think of something like
22 Facebook or Twitter, I think about having an account and then
23 having certain people that I communicate with but they are the
24 only ones that see what I have communicated.

25 THE WITNESS: Yes, Your Honor. There are two

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1 different ways you can do it. You can have your account set
2 to be "private" so that only certain people can see it or you
3 can have a "public" account where anyone can see anything
4 posted to your wall. That's true for both Facebook and
5 Twitter.

6 BY MR. KOEHLER:

7 Q In your day-to-day work at the FBI, have you also received
8 on-the-job training in this realm?

9 A Yes, I have.

10 Q Do you also conduct work and exploitation of items gained
11 through search warrants of social media accounts?

12 A Yes, I do.

13 Q And the same thing for cell phone records?

14 A Yes. We receive training for communication analysis.

15 Q Can you explain the kinds of things you do to exploit
16 social media account information that comes from a search
17 warrant?

18 A Can you clarify the question for me?

19 Q Okay. When you get something via a search warrant through
20 social media, what kinds of things do you get?

21 A The accounts come back -- let's talk about Twitter
22 specifically -- in zipped files that contain the account
23 images. Those are images that would be associated with
24 tweets. All the tweets themselves, direct messages, the
25 account info, as far as when it was set up, when it was

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1 suspended or ended. I believe that's all I can recall.

2 Q Where does that information get stored when it comes via
3 search warrant?

4 A That information is stored into our file management
5 system.

6 Q And what's that system called?

7 A Sentinel.

8 Q And when you receive call detail records, are those,
9 likewise, stored in Sentinel?

10 A Yes, they are.

11 Q And from where do you get call detail records?

12 A Those can come back from like T-Mobile subpoenas, things
13 like that.

14 Q Okay. So in other words, directly from the cellular
15 service provider?

16 A Yes, sir.

17 Q Do you also occasionally review information that comes
18 from search warrants that have been executed or consent
19 searches of electronic devices including cellular telephones?

20 A Yes, sir, I do.

21 Q What system do you use to gain access to that information?

22 A That information -- or that system is called CAIR.

23 Q Do the CAIR or Sentinel systems allow you in any way to
24 alter the data that has been obtained either via subpoena,
25 search warrant, or otherwise?

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1 A No, sir.

2 Q In this case did you obtain text records from cellular
3 telephones belonging to Abdul Malik Abdul Kareem with a cell
4 phone number 623-204-7295?

5 A Yes, sir.

6 Q Did you also get access to records from the search warrant
7 of the cell phone of Elton Simpson with a phone number
8 623-313-6382?

9 A Yes, sir.

10 Q Did you also get access to call detail records from
11 T-Mobile for both of those phone numbers?

12 A Yes, sir, I did.

13 Q And did T-Mobile certify the authenticity of the records
14 that they provided to the FBI?

15 A Yes, sir.

16 Q Did you also get call detail records for a phone belonging
17 to Nadir Soofi with the phone number 602-518-5840?

18 A Yes, sir.

19 Q Same certification?

20 A Yes, sir.

21 Q In the course of your work, did you also obtain access to
22 Twitter records that had been obtained via search warrant?

23 A Yes, sir.

24 Q Was one of those records for account number 2827006337?

25 A Yes, sir.

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1 Q And another one 3062911044?

2 A Yes, sir.

3 Q And 3070170972?

4 A Yes, sir.

5 Q Another one 3092582583?

6 A Yes, sir.

7 Q And 3121473777?

8 A Yes, sir.

9 Q 3154850044?

10 A Yes.

11 Q And finally, 3161708545?

12 A Yes, sir.

13 Q Did all those accounts relate to a particular individual?

14 A Yes, sir. Those were all belonging to Elton Francis
15 Simpson.

16 Q And did Twitter, likewise, provide a certification of
17 authenticity of all of those account records?

18 A Yes, they did.

19 Q I want to now direct your attention to what's been marked
20 for identification as Government's Exhibit 478.

21 Did you analyze the cellular telephone call detail
22 records that you received from T-Mobile?

23 A Yes, sir, I did.

24 Q And during the course of that analysis, did you summarize
25 the number of calls and the dates of call volume and length of

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1 calls and that kind of information?

2 A Yes, sir, I did.

3 Q Is Exhibit 478 a true and accurate summary of that?

4 A Yes, it is, sir.

5 Q Does it also contain information about text messages that
6 you gleaned from the execution of the search warrants on Elton
7 Simpson's telephone and Abdul Malik Abdul Kareem's phone that
8 I described earlier?

9 A Yes, sir.

10 Q Does it fairly and accurately depict the call detail
11 records and the text records that came from the search
12 warrants?

13 A Yes, sir.

14 MR. KOEHLER: Move to admit 478.

15 MS. PLOMIN: Your Honor, objection. Request a
16 sidebar.

17 THE COURT: The only objection would be if this were
18 not an accurate summary of voluminous records.

19 MS. PLOMIN: I don't know that.

20 THE COURT: Have you received the voluminous records?

21 MS. PLOMIN: Yes.

22 THE COURT: Is this suggestion that you just haven't
23 had a chance to verify the accuracy?

24 MS. PLOMIN: Yes.

25 THE COURT: I'm going to conditionally admit 478 so

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1 that we can move on.

2 And if you later convince me that this is not an
3 accurate summary of the voluminous records, then we will
4 revisit the admission of 478, but at this time 478 is
5 admitted.

6 (Exhibit No. 478 admitted in evidence.)

7 BY MR. KOEHLER:

8 Q So, Mr. Neville, let's talk first about the number of
9 telephonic communications exchanged between Abdul Malik Abdul
10 Kareem and Elton Simpson and Nadir Soofi.

11 A So there were a total of 659 telephonic communications
12 between Abdul Malik Abdul Kareem, Elton Simpson, and Nadir
13 Soofi.

14 Q How many of those were actual telephone calls?

15 A 262 of those were phone calls.

16 Q Among those 262 calls, were there calls that didn't
17 correlate between the two sets of phone records?

18 A Yes, sir. We found eight calls that were on Abdul Malik
19 Abdul Kareem's records that were not on Elton Simpson's and an
20 additional 14 calls that were on both records but had a
21 zero-second time duration.

22 Q So ruling out those 22 as likely not connected calls, how
23 many total phone calls?

24 A That would be 240, sir.

25 Q And how many of those calls went to Nadir Soofi?

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1 A Of those calls, five were with Nadir Soofi.

2 Q And so the remainder with Elton Simpson?

3 A 235, sir.

4 Q How many text messages exchanged?

5 A There were 397 total messages exchanged.

6 Q And just to make it clear, what is the time period we're
7 discussing here?

8 A This is from January 1st to May 4th, 2015.

9 Q So from the beginning of the year to the day after the
10 event in Garland, Texas; is that correct?

11 A Yes, sir.

12 Q Did you also look for calls of lengthier duration?

13 A Yes, sir, I did.

14 Q And how many calls were 15 minutes or more in duration?

15 A I identified 13 calls that were 15 minutes or more in
16 duration.

17 Q I'm sorry. Can you look at the record again.

18 A I'm sorry. 13 calls -- oh, 15 minutes or more? Nine
19 calls, I'm sorry, that were 15 minutes or more duration.

20 Q You have above that 13 that were ten minutes or more. Did
21 that include the nine calls that were more than 15?

22 A Yes, sir.

23 Q So there are nine that are 15 or more and four that are
24 between 10 and 15?

25 A Yes, sir.

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1 Q Can you identify for the members of the jury the days with
2 the most telephonic communication?

3 A Yes, sir. On February 9th, 2015, there were 30 calls and
4 texts exchanged between them.

5 On March 17th there were 22 calls and texts
6 exchanged.

7 March 23rd, 20 calls and texts.

8 March 30th, 24 calls and texts.

9 April 6th, 24 calls and texts.

10 And April 16th, 28 calls and texts.

11 Q Okay. Rather than have you list off all the days with no
12 communication, can you tell the jury how many days in January
13 they went without any telephonic communication?

14 A There were four days in January.

15 Q And in February?

16 A There were three days in February.

17 Q And how many in March?

18 A There were nine days in March.

19 Q And how many in April?

20 A There were 11 days in April.

21 Q Let's talk about the text messages.

22 Did you focus on particular things in this excerpt of
23 the text messages between Mr. Simpson and Abdul Malik Abdul
24 Kareem?

25 A Yes, sir. I was looking for communication that indicated

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1 they had been together or were going to be together.

2 Q Let's look at March 12th as an example of what in the text
3 message series told you that they would be together.

4 And if you could please read the sender and the time
5 and what they said.

6 A At 8:12 Elton Simpson said: "Won't be able to be here too
7 much longer."

8 At 8:12 p.m. Kareem replied: "I'll be right there
9 leaving now."

10 At 8:14 Simpson said: " Okay but I still won't be
11 here to long when you come...have another errand to run insha
12 Allah."

13 At 8:14 Simpson said: "I've Ben here since 7:45."

14 Then 8:14 he cleaned up the "Been."

15 8:15 Kareem said: "How to be patient I'm coming
16 right now pick the phone up and call me."

17 Q All right. And did you see similar communications showing
18 that there was a likelihood of them meeting on the other days
19 that you have listed in the text messages that are in this
20 record?

21 A Yes, sir.

22 Q I want to skip forward now to April 6th of 2015.

23 Did you see indications that they were getting
24 together that day as well?

25 A Yes, I did, sir.

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1 Q And can you tell us about starting at 4:08 p.m.?

2 A Can I get it pulled up on the screen, please?

3 Q Yes.

4 A At 4:08 p.m. Simpson sends a message asking: "You close?"

5 4:15 p.m. Kareem replies: "Leaving house be there in
6 ten minutes."

7 4:20 Simpson replies: "Okay."

8 4:29 Simpson says: "Let me know when you are close."

9 4:29 he says: "I will come out."

10 4:29 Simpson says: "Insha Allah."

11 Q Now, did something different happen in their text messages
12 on this day than you had seen in other days?

13 A Yes, sir. There were two picture messages sent.

14 Q Are the two pictures depicted on the next page?

15 A Yes, sir, they are.

16 Q In general terms, can you describe what those two pictures
17 are?

18 A Those are two pictures of insurance cards.

19 Q And can you look at the right-hand side card and read off
20 the names of the named insured and the authorized driver?

21 A It is Maria E. Gonzalez and the listed driver is Marcos
22 Fabian.

23 Q Which direction were these pictures sent?

24 A The first one, I believe, was the left; the second one on
25 the right.

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1 Q And who sent them to whom?

2 A Simpson sent them to Abdul Kareem.

3 Q And this is the night of April 6, 2015?

4 A That is correct.

5 Q I now want to skip forward to April 30, 2015.

6 Can you see communications between Elton Simpson and
7 Abdul Malik Abdul Kareem on April 30, May 1st, May 3rd, and
8 May 4th?

9 A Yes, sir.

10 Q And can you go through and read off what those
11 communications were.

12 A Yes. On April 30th at 3:42 p.m. Kareem calls Simpson.
13 That call was one minute or less in duration.

14 At 3:44 Kareem sends a message to Simpson saying:
15 "Salaam walaikum brother give me a call when you get this
16 message."

17 Q Okay. And at 6:15 p.m.

18 A Kareem calls Simpson. That conversation is two minutes.

19 7:02 Simpson calls Kareem, one minute.

20 7:03 p.m. Kareem calls Simpson, two minutes.

21 7:12 Simpson calls Kareem, seven minutes.

22 And at 9:12 Simpson calls Kareem, seven minutes.

23 Q Now, on May 1st.

24 A On May 1st at 8:40 p.m. Kareem calls Simpson. It's a
25 one-minute or less duration call.

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1 At 9:12 p.m. Simpson sends a message saying: "Wa
2 alaykim salam wrwb...sorry about yesterday for the punches and
3 for today akhi. I won't be able to make it...I know you
4 hooked it up though lol."

5 Q Before you read the next message, he used the word "akhi."
6 Is that a term with which you have become familiar during the
7 past ten months working at the FBI?

8 A Yes, sir.

9 Q Is it something you see regularly?

10 A Yes, sir.

11 Q To what does that term refer to?

12 A It usually refers to "brother."

13 Q Okay. Go ahead.

14 A At 9:28 Kareem sends: "No problem brother but I didn't
15 cook it."

16 9:28 Kareem sends: "Bye am going to cook it tomorrow
17 insha Allah."

18 9:28 Kareem sends: "And I want the brothers to
19 come."

20 9:29 p.m. Kareem says: "Notice I said brothers."

21 9:29 p.m. Kareem says: "Would that be okay with
22 y'all."

23 Q Did Simpson ever respond to any of those messages?

24 A No, sir.

25 Q Did he call back or anything?

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1 A No, sir.

2 Q Okay. Let's go to May 3, 2015.

3 A At 11:58 on May 3rd, 2015, Kareem calls Nadir Soofi.

4 Q And are you familiar with the time difference between
5 Arizona and Texas?

6 A I am not, sir.

7 Q Okay. I want you to move forward to May 4th.

8 A May 4th at 1:26 a.m. Kareem calls Elton Simpson.

9 8:29 a.m. Kareem calls Nadir Soofi again.

10 Q What was the duration on those last three calls?

11 A All three were one minute.

12 Q Or less?

13 A Or less. One minute as billed by T-Mobile.

14 Q I want to now turn your attention to what's been marked
15 for identification as Exhibit No. 479.

16 Did you also isolate texts of Mr. Abdul Malik Abdul
17 Kareem on May 3rd and 4th of 2015?

18 A Yes, I did.

19 Q And are these all of his texts from that day?

20 A No. They are not.

21 Q Okay. Are they an excerpt thereof and what have you
22 removed?

23 A They are an excerpt. I removed some of the texts that
24 included personal identifiable information.

25 Q So with the exception of people sending personal

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1 identifiable information, this is otherwise a true and
2 accurate copy of the record of his texts that day?

3 A Yes, sir.

4 Q And when you mentioned personal identifiable information,
5 what types of texts was he getting that contained or sending
6 that contained personal identifiable information?

7 A From the content I concluded that they were texts for
8 moving, part of his business, and they were including things
9 like the name, address, phone number for a client.

10 Q All right. Is this otherwise an accurate representation
11 of the texts that came from the search warrant on his phone
12 for that day or those two days?

13 A Yes, sir.

14 MR. KOEHLER: Move to admit 479.

15 MS. PLOMIN: No objection.

16 THE COURT: 479 is admitted.

17 (Exhibit No. 479 admitted in evidence.)

18 BY MR. KOEHLER:

19 Q So if you would start at the top and make your way through
20 and read these texts for the jury.

21 A Okay. So this is from number 16236802020. Time is
22 6:56:07 a.m. on May 3rd, 2015. Message reads: "Just wanted
23 to check with you if it would be possible if you could push it
24 back to 11 a.m."

25 This is to that number 16236802020 --

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1 Q And from this point forward can you just refer to that as
2 the "2020" number?

3 A Yes, sir.

4 From the 2020 -- or to the 2020 number at 9:44 a.m.
5 Sent: "Okay."

6 At 9:45 a.m. sent to the 2020 number: "I'll be there
7 at 11."

8 From the 2020 number at 9:53 a.m.: "Thank you so
9 much."

10 Q From that series of conversations, what did that look
11 like?

12 A I suspect that to be a client.

13 Q Okay. And now from the next phone call -- you can just
14 use the name if there's a context.

15 A So to Lafayette sent at 10:00 a.m.: "Pick up the phone."

16 To Lafayette at 10:09 a.m.: "Hi Abdul, this is
17 Jessica. May 3rd move date at 27524 North 17th Lane Phoenix
18 85085."

19 Q So looking at that and the previous message, what did it
20 look like was happening there?

21 A It looks like he was forwarding an address for a potential
22 client.

23 Q Okay. Now moving on to the next message.

24 A From Lafayette: "Got it."

25 To Lafayette: "6236802020 that's her phone number."

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1 Q Okay. And then the next message.

2 A From Lafayette: "Just called her."

3 From Lafayette at 10:14:38 a.m.: "What's the
4 hourly."

5 From Lafayette at 10:25 a.m.: "How much do you got
6 her at."

7 Q Okay. Can you move on to the next conversation?

8 A To 4808860131 at 12:35 p.m.: Hey Mike how you doing this
9 is Abdullah I'm running a couple minutes late I had to go pick
10 up the -- pick the trailer up and I'm on my way I just tried
11 to give you a call but didn't get any answer.

12 From that 60131 number at 1:26 p.m.: "Had to stop by
13 the bank just arrived here."

14 Q Next conversation.

15 A From Chris: "Yo carus I need you to PayPal me that \$100
16 today please."

17 Q Next?

18 A From 14808860131 at 2:10 p.m.: "2501 east Avalon Drive.
19 85016."

20 Q So from those messages did you gather that was another
21 move being arranged?

22 A Yes, sir.

23 Q Okay. Go on.

24 A To Chris at 2:11 p.m.: "Chris give me a minute I'll give
25 you a call right back."

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1 From 6236802020 at 2:31 p.m.:

2 "Jesmarie76@gmail.com."

3 Q So the "2020" number sent him an e-mail address?

4 A Yes, sir.

5 Q Okay. Moving forward.

6 A From 4804488365 at 5:59 p.m.: "Hello brother."

7 From the same number ending in "8365" at 6:01 p.m.:

8 "Brother."

9 From the same number ending in the "8365." "Are you
10 there?" That's at 6:01 p.m.

11 At 8:25 p.m. "Hello brother." Same number.

12 At 8:21 p.m. again. "Are you there?" Same number.

13 Q All right. And did he finally respond to that?

14 A Yes, sir.

15 Q What did he say?

16 A He responded at 8:46. "Brother call me."

17 Q Are you aware of the time of the attack as it occurred in
18 Garland, Texas?

19 A I am not, sir.

20 Q Okay. Now, go on to the next message.

21 A That is to 4804488365 at 9:17 p.m. He sends:

22 "519143806."

23 Q Okay. I want you to skip back up one because I think you
24 skipped one.

25 A I'm sorry. To Asma Bangladesh at 8:49 p.m. "Salaam

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1 walaikum brother call me."

2 Q Okay. And then go on from there with the "8365" number.

3 A 8365 at 9:25 p.m. "Brother why don't you call me back."

4 Q Next.

5 A To Abdul Kahbir at 9:45 p.m. "Salaam walaikum unblock my
6 number".

7 Q Next.

8 A To Abdul Kahbir at 9:45 p.m. "Very important I want to
9 talk to you about something."

10 Q Next.

11 A From Abdullah Mubarak at 5:31 a.m. on 5/4 -- I'm sorry --
12 May 4, 2015. "FBI: Suspects killed outside Muhammad cartoon
13 Texas event lived in Phoenix (Sent from 3 TV Phoenix News)
14 http. --

15 THE COURT: Okay. Hold on. Let's not read that.

16 BY MR. KOEHLER:

17 Q Is that a web link that appears to relate to the attack?

18 A Yes, it is.

19 Q And that was from Abdullah Mubarak?

20 A Yes, sir.

21 Q Okay. Next.

22 A In Lafayette 5:40 a.m. "You know something about that
23 move."

24 From Abdul Kahbir at 7:23 a.m. "Well salam alaikum,
25 so far he has not the t back."

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1 From Abdul Kahbir at 8:10 a.m. "Abdul Malik
2 extremely important that you call me, brother based on what I
3 read this morning I believe Ibraheem is dead."

4 Q Next.

5 A From 4804488365 at 8:35 a.m. "Hello brother."

6 From the same number at 8:36 a.m. "Now I will post
7 your ads start."

8 To Abdul Kahbir at 8:39 a.m. "My phone is going to
9 your voice mail call me back."

10 To 4804488365 at 8:39 a.m. "Okay brother please
11 post."

12 And the same message sent at 8:40. "Okay brother
13 please post."

14 Q Okay. And go to the next one. After that --

15 Well, the pound sign is in this one here. Was that
16 anything of significance to you in going through the records?

17 A In the records it was a list of addresses for Craigslist.

18 Q Okay. And then let's go to the next one.

19 A From 480448365 at 9:00 a.m. "Now live ads please check it
20 brother."

21 Q Now, during the course of your analysis of these records
22 did you become familiar with this 4804488365 number?

23 A Yes, sir.

24 Q And can you explain, based on what you read in the
25 records, what you learned about what the relationship was

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1 between Mr. Abdul Kareem and that person?

2 A Yes, sir. Based on the content of the messages, that
3 number was posting Craigslist ads for Abdul Malik Abdul
4 Kareem.

5 THE COURT: Before we go on, we're going to take our
6 morning break, Mr. Koehler.

7 Ladies and gentlemen, we will reconvene in about 15
8 minutes. You're reminded of the admonition not to discuss the
9 case or form any conclusions about it until you have heard all
10 the evidence and begun your deliberations.

11 Court is in recess until 10:35.

12 (Recess taken at 10:16 a.m.; resumed at 10:37 a.m.)

13 THE COURT: Thank you, ladies and gentlemen.

14 Apparently, my badge is not working well to unlock
15 the door.

16 Please sit down. The record will show the presence
17 of the jury, counsel, and the defendant.

18 Mr. Koehler, you may continue.

19 BY MR. KOEHLER:

20 Q So, Mr. Neville, when we left off, we had just gone to the
21 morning of May 4th, 2015, with the messages back and forth
22 with the 8365 number and his last two messages to that person
23 were: "Okay brother please post."

24 Is that correct?

25 A Yes, sir.

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1 Q And based on your analysis, what did that appear to mean?

2 A Posting of the Craigslist ads.

3 Q Okay. And now I want to go to the next page and start at
4 the top with 10:28:28 a.m.

5 A That's from Abdul Kahbir. "Abdul Malik" -- I'm sorry.
6 This is at 10:28 a.m.

7 "Abdul Malik if you type in the name Elton Simpson on
8 the Internet Ibraheem picture pops up with them talking about
9 the attack in Texas and his father now knows that Ibraheem is
10 dead because he made a comment to ABC news."

11 Q All right. Next message.

12 A From 5042330268 at 11:14 a.m. with the number:
13 "16233301127. Hey its Chris the guy you met yesterday would
14 you be interested in buying food stamps."

15 From the same number ending in "0268" at 2:28 a.m. --
16 or p.m. "Did you find anyone that wants to buy food stamps."

17 From number 6024815119 at 2:29 p.m. "The people from
18 Luis Aplains say that they called you on Saturday and leave
19 you a message and you don't answer the phone, they going to
20 come on Wednesday."

21 From 6024815119 at 2:29 p.m. "I'm going to pick up
22 my daughter from school I'll be back in like 30 minutes."

23 Q Okay. And just continue to refer to that as the "5119"
24 number.

25 A 5119 at 3:02 p.m. "I'm here now if you wanted to bring

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1 the."

2 From Abdul Kahbir at 3:05 p.m. "Would just send me a
3 he hang number already."

4 To Lafayette at 3:06 p.m. "Bro pick up your phone."

5 To Lafayette at 3:07 p.m. "Yo why you keep going to
6 voicemail what's up."

7 To Abdul Kahbir at 3:31 p.m. "Ali" and the number
8 "6024469730."

9 From Abdul Kahbir. "Right on" at 3:31 p.m.

10 To Chris at 3:50 p.m. "Chris I didn't forget about
11 you they didn't get off the job yet alright."

12 From Josh Josh at 3:58 p.m. Dot, dot, dot, and then
13 the emoji for smiley.

14 To 4804488365 at 4:57 p.m. "Salaam walaikum brother
15 what's wrong with you brother I run a business brother I need
16 you to post ads."

17 From Abdul Kahbir at 5:19 p.m. "Okay just letting
18 you know I'm on my way home and I'm riding my bike, see you
19 soon."

20 To Abdul Kahbir at 5:40 p.m. "Okay."

21 From 4804488365 at 6:42 p.m. "Hello brother."

22 Q And is that the last one from May 4, 2015?

23 A Yes, sir.

24 Q So am I correct in looking at this that the first time
25 that he responds to Abdul Khabir in a text message back to

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1 Abdul Khabir is at 8:39 a.m. where he says, "My phone is going
2 to your voice mail call me back."

3 A Yes, sir, based on the content that was on that phone.

4 Q And did you ever see a response to Abdul Mubarak based on
5 the content of the phone?

6 A No, I did not.

7 Q Now, you mentioned "based on the content of the phone."

8 Is there a way that those messages might not still be
9 there?

10 A They could have been deleted, sir.

11 Q And so what you have is from the phone itself, not from
12 the provider; is that correct?

13 A Yes, for that day.

14 Q Now, I want to talk to you about a Twitter --

15 THE COURT: I just want to clarify for the jury
16 because we've looked at two summary exhibits.

17 478 was a summary of phone calls and the source
18 documentation was -- were documents provided by the phone
19 company; is that right?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: The 479, the summary of text messages
22 wasn't a subpoena to the phone company but was actually
23 extracted from a phone?

24 THE WITNESS: That is correct, Your Honor.

25 THE COURT: Thank you.

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1 BY MR. KOEHLER:

2 Q And one thing I want to make clear:

3 When you requested call detail records from the phone
4 companies, did they provide you any text content?

5 A No. They did not.

6 Q Based on your work and your knowledge of your job, do cell
7 phone companies retain text content that is available to you?

8 A Not to my knowledge.

9 Q All right. Let's talk about the Twitter content.

10 I want to first direct your attention to Exhibit 153
11 that's on your monitor in front of you. Do you recognize
12 that?

13 A Yes, I do.

14 Q And can you describe just in general terms what that is.

15 A That is a screenshot taken of Elton Simpson's account
16 "Shariah Is Light" is the --

17 THE COURT: Hold on. He didn't ask you to read it.
18 He asked you to describe what it is.

19 THE WITNESS: Sorry.

20 THE COURT: And so the answer is: "It's a screenshot
21 from Elton Simpson's phone."

22 THE WITNESS: From his Twitter account.

23 THE COURT: Okay.

24 BY MR. KOEHLER:

25 Q Okay. And as part of your open source research and

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1 exploitation in this case, did you review screenshots from
2 Elton Simpson's Twitter account?

3 A Yes, I did.

4 Q And is this a fair and accurate depiction of the
5 screenshot of his Twitter account from April 23 of 2015?

6 A Yes, it is.

7 MR. KOEHLER: Move to admit 153 and publish.

8 MS. PLOMIN: No objection.

9 THE COURT: 153 is admitted.

10 (Exhibit No. 153 admitted in evidence.)

11 BY MR. KOEHLER:

12 Q While this is on here, can you explain a little bit about
13 how Twitter works when somebody tweets out about a news
14 article?

15 A Yes. So when Twitter -- or when a person posts on Twitter
16 a link like this, you can click on it and it will go to it
17 directly from the site. In the returns, the way it comes
18 through is through a T-dot co-link that's a Twitter link
19 itself. So Twitter creates a separate link in their server
20 that kind of directs to that link.

21 Q Okay. And here he twittered an article from a Breitbart
22 News; is that correct?

23 A Yes.

24 Q And what does the article concern?

25 A It's the AFDI Draw Muhammad Contest in Garland, Texas.

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1 Q And what did Mr. Simpson say about this?

2 A He said: "When will they learn. They are planning on
3 selecting the best picture drawn of Rasulullah (saws) in
4 Texas."

5 Q And are you familiar with the term "Rasulullah" through
6 your work?

7 A I am not.

8 Q And what is the time on that post?

9 A That is 12:42 a.m. on April 23rd.

10 Q And is this Arizona time?

11 A Yes, it is.

12 Q Now, I want to direct your attention to Exhibit 154 marked
13 for identification. Can you tell us what that is in general
14 terms again?

15 A That is a screenshot of Elton Simpson's Twitter account.

16 Q And is this a tweet that he posted?

17 A Yes, it is.

18 Q And is that a fair and accurate depiction of the
19 screenshot from his Twitter account?

20 A Yes, it is.

21 Q What is the date of this post?

22 A This one is May 3rd, 2015.

23 MR. KOEHLER: Move to admit 154.

24 MS. PLOMIN: No objection.

25 THE COURT: 154 is admitted.

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1 (Exhibit No. 154 admitted in evidence.)

2 BY MR. KOEHLER:

3 Q Have you see the term "bay'ah" before?

4 A Yes.

5 Q And are you familiar with what that means?

6 A I believe so, yes.

7 Q Okay. Can you explain it in general terms?

8 A It's like a proclamation of allegiance.

9 Q And are you familiar with the words "Amirul Mu'mineen"?

10 A Yes, I am.

11 Q And what is "Amirul Mu'mineen"?

12 A That is a reference to the Khalif of the Islamic State Abu
13 Baker al-Baghdadi.

14 Q And the term "mujahideen"?

15 A It's an Islamic warrior.

16 Q And are you familiar with the term "make dua"?

17 A It's like "make prayer."

18 Q There's a hash tag at the bottom of that; is that correct?

19 A Yes, there is.

20 Q What is that hash tag?

21 A #texasattack.

22 Q In your open source exploitation did you run across other
23 Twitter customers who were using that hash tag in the wake of
24 the Garland attack?

25 A Yes, we did.

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1 Q Was one of those a poster using the handle
2 "AbuHussainAlBritani"?

3 A Yes, sir.

4 Q I'm going to show you now what's been marked for
5 identification as Exhibit 155.

6 Through your work at the FBI, are you familiar with
7 the person who is using the Twitter handle
8 "AbuHussainAlBritani"?

9 A Yes.

10 Q Who is that person?

11 A That is Junaid Hussain.

12 Q And is that person somebody that was the subject of
13 interest to the FBI?

14 A Yes.

15 Q And why so?

16 A He is a member of the Islamic State of Iraq and the
17 Levant.

18 Q And did he post tweets about the Texas attack using the
19 hash tag "#texasAttack" in the wake of the attack?

20 A Yes, he did.

21 Q And did you review those in open source research and
22 exploitation?

23 A Yes, I did.

24 Q Taking a look now at 155, is that a representation of his
25 posts after the attack in Garland, Texas?

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1 A Yes, they are.

2 Q And is that a true and accurate copy of his posts?

3 A Yes, they are.

4 MR. KOEHLER: Move to admit 155.

5 MS. PLOMIN: No objection.

6 THE COURT: 155 is admitted.

7 (Exhibit No. 155 admitted in evidence.)

8 BY MR. KOEHLER:

9 Q You can please walk us through the time line of these
10 posts after the attack?

11 A There are not times to these.

12 Q Okay. Can you just read through the different posts and
13 note the approximate time of day that's on the top of it?

14 A So this screenshot was taken at 9:21 p.m.

15 It's AbuHussainAlBritani --

16 THE COURT: Hold on a second.

17 When you say this screenshot was taken at 9:21 p.m.,
18 does that mean that that's when you were looking at it or does
19 that have something to do with when it was posted?

20 THE WITNESS: That's when it was captured. That is
21 not when it was posted.

22 THE COURT: Captured by who?

23 THE WITNESS: This particular screenshot was captured
24 by our Washington Field Office.

25 THE COURT: Okay. So 9:21 has no significance to

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1 when the person that made the posts made the posts?

2 THE WITNESS: No.

3 THE COURT: Okay. This is something that shows when
4 somebody from your agency happened to look at this?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Okay.

7 BY MR. KOEHLER:

8 Q And just to be clear, did you also view these posts during
9 the open source research yourself?

10 A Yes, I did. Yes.

11 Q Based on your open source research, do you know the
12 approximate date and time of these?

13 A These occurred after the attack on May 3rd, 2015.

14 Q And were they within a short period of time after the
15 attack or a day after?

16 A They were relatively close to the attack.

17 Q Okay. And so go ahead and start in the upper left and
18 read through the posts.

19 A "AbuHussainAlBritani: And do not say about those who are
20 killed in the way of Allah. 'They are dead.' Rather, they
21 are alive, but you perceive it not."

22 Next post:

23 "AbuHussainAlBritani: The two brothers attained
24 shahdah in Texas. O Kuffar know that death is better than
25 living humiliated. Allahu Akbar. #garlandshooting."

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1 Next one: "If there is no check on the freedom of
2 your speech, then let your hearts be open to the freedom of
3 our actions #GarlandShooting #TexasAttack."

4 Move to the next one.

5 "Kill those that insult the Prophet.
6 #GarlandShooting."

7 Next one. "Allahu Akbar. Two of our brothers just
8 opened fire at the Prophet Muhammad (s.a.w.) art exhibition in
9 Texas #TexasAttack."

10 The next one: "@atawaakul May Allah swt reward you
11 and give you Jannah #TexasAttack."

12 Q In your work have you become familiar with what the term
13 "Jannah" is?

14 A Yes.

15 Q And what is that?

16 A That is "paradise."

17 Q Okay. Below that did he retweet a post of Elton
18 Simpson's?

19 A Yes, he did.

20 Q And was that retweet post this one here, Exhibit 154, that
21 was just admitted?

22 A Yes, sir.

23 Q The next part of 155, this is actually page 3 of 155. Can
24 you tell us what that is?

25 A That is the profile of AbuHussainAlBritani.

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1 If would you like me to describe it further:

2 The "AbuHussainAlBritani" is his display name.

3 The "@AbuHu55ainbrxt" is his handle.

4 And then he has a Kik address below that.

5 Q And does he have a note next to the Kik address?

6 A Yes. It says: "Brothers only."

7 Q And to what does that mean or what does that refer?

8 A That only other brothers in the fight can message him on
9 Kik.

10 Q And what does he say about himself in his profile.

11 A He says he's "Random British Mujahid Somewhere In The
12 Islamic State."

13 Q After the attack did the Islamic State issue a release of
14 their magazine Dabiq?

15 A Yes, they did.

16 Q And did the Dabiq magazine include an article about the
17 Texas attack?

18 A Yes, it did.

19 Q I'm going to show you what's been marked for
20 identification as Exhibit 156. Do you recognize that?

21 A Yes, I do.

22 Q What is that?

23 A That's an excerpt from Dabiq Issue 9.

24 Q Is it the article that they published?

25 A Yes, it is.

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1 Q Is it a true and correct copy of that news article?

2 A Yes.

3 MR. KOEHLER: Move to admit 156.

4 MS. PLOMIN: No objection.

5 THE COURT: 156 is admitted.

6 (Exhibit No. 156 admitted in evidence.)

7 BY MR. KOEHLER:

8 Q Can you just read that first paragraph for the jury?

9 A Sure.

10 "As the crusaders continue to reveal their intense
11 hatred and animosity towards Islam through their relentless
12 bombing and drone campaigns on the Islamic State, a new breed
13 of crusader continues shedding light on the extent of their
14 hatred towards the religion of truth. This breed of crusader
15 aims to do nothing more than to anger the Muslims by mocking
16 and ridiculing the best of creation, the Prophet Muhammad Ibn
17 Abdillah (sallallahu alayhi wa sallam) under the pretext of
18 defending the idol of 'freedom of speech.'"

19 Q Do you recognize the two individuals pictured in the
20 article?

21 A Yes, I do.

22 Q And who are the individuals starting with the upper
23 individual?

24 A The top picture is Elton Simpson and the bottom picture is
25 Nadir Soofi.

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1 Q And inset in the picture of Nadir Soofi, is that the same
2 tweet that Elton Simpson posted shortly before the attack?

3 A Yes, it is.

4 Q And can you tell us what time that tweet was posted? I
5 don't think I asked you that before.

6 A I would have to look at my records real quick.

7 Q If you could, please.

8 I can put it on the screen. This is 154 already in
9 evidence. Does that tell you what time?

10 A It says 4:35 p.m. Arizona time.

11 Q And how far ahead of Arizona was Dallas, Texas, on May 3
12 of 2015, accounting for Daylight Savings Time?

13 A Two hours. So it would have been at 6:35 p.m. Dallas
14 time.

15 Q And during the break did you refresh your recollection on
16 what time the attack itself occurred?

17 A Yes, I did.

18 Q And what time did the attack itself occur?

19 A 6:51 p.m. Dallas time; so 4:51 p.m. Arizona time.

20 Q I would like to now draw your attention to Exhibit No.
21 157. And we're not going to seek admission of this at this
22 time. I just want to lay the foundation with you.

23 Have you reviewed all of 157 before court today?

24 A Yes, I have.

25 Q Can you describe in general terms what is contained in

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1 Exhibit 157?

2 A These are tweets and screenshots of tweets from Elton
3 Simpson's seven Twitter accounts.

4 Q And are the tweets and screenshots each true and accurate
5 depictions of the tweets that he made and the screenshots of
6 his account at the time it existed?

7 A Yes, they are.

8 Q Did you also through the search warrant review direct
9 messages that Elton Simpson exchanged with other individuals?

10 A Yes, I did.

11 Q And did you assist in the preparation of a PowerPoint that
12 depicts relevant conversations between Mr. Simpson and those
13 other individuals?

14 A Yes, I did.

15 Q Does the PowerPoint that you've prepared -- or assisted in
16 preparing -- fairly and accurately depict each of the
17 conversations series as they occurred?

18 A Yes.

19 Q And was that PowerPoint depicted in -- I'm going to put
20 this on your screen here -- Exhibit 480, the printout?

21 A Yes, sir.

22 MR. KOEHLER: Move to admit 480.

23 MS. PLOMIN: No objection.

24 THE COURT: 480 is admitted.

25 (Exhibit No. 480 admitted in evidence.)

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1 THE COURT: And can you clarify it because I see it
2 has that little bird that's the Twitter symbol.

3 THE WITNESS: Uh-huh.

4 THE COURT: What's the difference between a Twitter
5 post and a direct message?

6 THE WITNESS: A direct message is a direct
7 communication between two people like a private chat, sort of
8 like a sheen gene instant messages. So it is not public
9 information.

10 BY MR. KOEHLER:

11 Q So that is not something that you could obtain through
12 your normal day-to-day open source research; is that correct?

13 A That is correct.

14 Q And did everything in Exhibit 480 come from your review of
15 the Twitter records that were returned via the search warrant?

16 A Yes, they did.

17 Q Okay. I'd like to switch to the computer please at the
18 lectern.

19 Okay. Let's start with the first post. Did he know
20 a person or communicate with a person with the known name of
21 "Miski"?

22 A Yes, he did.

23 Q What is the first communication that we have as part of
24 Exhibit 480?

25 A It is from 6:17 a.m. on December 7th, 2014.

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1 Would you like me to read it?

2 Q Yes, please.

3 A "Did the brother interpret the dream for you?" Smiley
4 face.

5 Q Okay. Keep going.

6 A "Or not yet." 6:17.

7 Q And Miski's response?

8 A Miski's response. "Akhil Kareem I've met with the sheikh
9 and He said the Hoor Al Ayn is waiting for you eagerly. That's
10 the interpretation of the dream."

11 Q During the course of your work for the FBI, have you run
12 across dream interpretation before?

13 A Yes, I have.

14 Q Can you just describe in general terms what dream
15 interpretation is as far as you have seen it?

16 A As I have seen it, it's a lot of people have it
17 interpreted to figure out what meaning it has for their life
18 or what's going to happen in their life as kind of directed by
19 Allah.

20 Q And have you heard the term "Hoor Al Ayn" and become
21 familiar with it in your work?

22 A Yes, I have.

23 Q What is "Hoor Al Ayn"?

24 A Generally speaking, it refers to the kind of pure souls
25 that reside in Jannah.

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1 Q And, again, you refer to "Jannah" as "paradise"?

2 A Paradise, yes.

3 Q On December 30 did he engage in another conversation with
4 Miski about dream interpretation?

5 A Yes.

6 Q Okay. What did Miski say?

7 A He said: "Hold on let me write what the sheikh said about
8 your dream."

9 "Okay insha Allah."

10 "Akhi the sheikh said that this dream is a glad
11 tidings from Allah. You will loose an opportunity to doing
12 something good like Hijra."

13 Q Are you familiar with that term "hijra"?

14 A Yes, I am.

15 Q What is "hijra"?

16 A It refers to the travel for Islamic purposes. Generally,
17 it's an emigration to Islamic lands.

18 Q Okay. And in the context of the Islamic State, does it
19 have unique meaning?

20 A Yes. Usually it's used to refer to traveling to the
21 Islamic State or area controlled by the Islamic State.

22 Q What does he say next?

23 A "Two: You will then be saddened over the lost of the
24 great opportunity."

25 "You will miss out in allot of Ajar because of that."

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1 Q Have you also become familiar with the term "Ajar" during
2 your work?

3 A Yes, I have.

4 Q What does "Ajar" refer to?

5 A "Reward".

6 "Four: Allah will hold you back from doing so, so
7 that you can get another opportunity for a better place with
8 greater Ajar."

9 "Five: The time between the two H's is a bit long.
10 It's not gonna be as soon as you loose the first opportunity.
11 It's gonna be a bit later."

12 Q Did this conversation continue?

13 A Yes.

14 "Wa Billaahi Tawfeeq."

15 Q Is this a term of which you are familiar?

16 A It is not.

17 "Akhi."

18 "Five: The time between the two H's is a bit long.
19 It's not gonna be as soon as you loose the first opportunity.
20 It's gonna be a bit later."

21 "Two H's? You didn't mean to type H's sah?"

22 Q Miski's response?

23 A "So what about it akhi."

24 "I did."

25 "Hijra."

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1 Q So when he's talking about the two H's does that mean he's
2 talking about hijra there?

3 A Yes.

4 From Simpson: "He's saying hijra will happen again?
5 Or just another way of getting Ajar from Allah?"

6 "As of number 4."

7 Q And Miski's response?

8 A "He said it will happen again insha Allah but to a better
9 place."

10 Simpson: "Can I ask you this. When Sheikh Adnani
11 gives a public address, can we assume this is what Al Khalifah
12 wants as well? Seeing that Adnani is the spokesman?"

13 Q Are you familiar with a Sheikh Adnani who is a spokesman
14 for someone?

15 A Yes. He is the spokesman for the Islamic State of Iraq
16 and the Levant.

17 Q And what is Sheikh Adnani's name, if you know it?

18 A I don't know the first name.

19 Q So you just know the last name Adnani?

20 A Adnani.

21 "And seeing Al Khalifah hasn't come out to correct
22 what Adnani says."

23 "Yes akhil Kareem, Adnani never speaks unless he's
24 been ordered by the Khalif of the Muslims. He can never speak
25 without the order of the Khalif."

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1 Continuing on. "Maybe then, it is possible that the
2 Ajar is in what he has said earlier."

3 Q Mr. Neville, are you familiar with a pronouncement that
4 Sheikh Adnani made on behalf of the Islamic State in the
5 months prior to this conversation?

6 A Yes, I am.

7 Q And did he make a specific proclamation directed toward
8 people who could not make hijra to the Islamic State?

9 A Yes, he did.

10 Q And in general terms, what did he call for?

11 A He called for attacks in the West.

12 "And Afwan the Sheikh said Allah will hold you back
13 from something far better in Ajar than last time. It could be
14 H or something else."

15 The next he clarifies: "It is."

16 Q The asterisk there next to the "it is," does that have
17 significance in online instant messaging and text messaging?

18 A Yes. Usually it denotes a correction to something that
19 was earlier.

20 Q So when he says "it is" here, can you tell based on the
21 previous post that he had there what he was correcting?

22 A Yes. The first message says: "Maybe then it's is."

23 So he's got sort of "it is is."

24 Q So he is correcting his typo?

25 A Yes.

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1 "Akhi yes, matter fact that is far better in Ajar
2 than H right now."

3 Q So what is Miski saying right there in terms of
4 translating that more to English?

5 A That an attack against the West is far better in reward
6 than going to the Islamic State.

7 Q Now, moving forward to January 3, 2015.

8 A From Simpson: "I wonder what it means when one sees imam
9 Anwar in a dream."

10 Q Are you familiar with the name "Anwar" in your work?

11 A Yes, I am.

12 Q Who is that reference to?

13 A That's Anwar al-Awlaki.

14 "You don't have to ask the sheikh akhi lol."

15 Q Are you familiar with what L-O-L means in short term
16 messaging?

17 A Yes. It's "laughing out loud."

18 Q So in other words, is Simpson joking when he said you
19 don't have to ask the sheikh?

20 A Yes.

21 Q So what does that imply about the previous sentence?

22 A Just that he doesn't need to ask the sheikh to have that
23 interpreted.

24 From Miski: "Maybe he's telling you what he told
25 nidal."

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1 Q Are you familiar with someone named "nidal" who in the
2 past had communication with Anwar al-Awlaki?

3 A Yes. Nidal Hasan who perpetrated the Ft. Hood shooting
4 had communication with Anwar al-Awlaki before he committed the
5 attack.

6 Q Moving forward now to January 9, 2015.

7 A "Subhan Allah things seem to be moving along so fast."

8 "Masha Allah akhi, What happened in France made the
9 Muslims everywhere happy akhi."

10 Q Did something happen in France shortly before this
11 communication?

12 A Yes. On January 7th an attack was committed at the
13 Charlie Hebdo.

14 Q Is that the Charlie Hebdo Magazine that had the drawing of
15 the Prophet Muhammad?

16 A Yes. Yes, it is.

17 From Simpson: "I got confused though. They
18 mentioned two brothers at first and then they mentioned a
19 brother and a sister."

20 From Miski: "With what akhi?"

21 Simpson: "There were two separate events?"

22 Question mark.

23 "Na3m akhi they were separate."

24 Q Go ahead.

25 A They went -- well --

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1 "I heard about the two who got shahadah insha Allah
2 at the grocery store. What about the two brothers?"

3 "Akhi they all got shahadah."

4 Simpson: "I only heard about the bro and the sister.
5 JZK. Where did the other two get it?

6 House? Warehouse?"

7 And from Miski: "They went inside a place and took
8 hostage, they killed the hostages and they got martyred. They
9 were told to surrender and they said no, we came for shahada."

10 Q Does he go on to talk to another individual who went by
11 the Twitter handle QaQa_ibnAmr?

12 A Yes.

13 Q Can you go ahead and tell us about this conversation?

14 A Yes. So on this conversation we assessed it -- I'm going
15 to refer to him as "QaQa" was a user in the United Kingdom.
16 It starts out with:

17 "Stay safe bro I seen all these Kufar trying to get
18 active over there."

19 Q And "over there" would refer to?

20 A The West. Over in the United States.

21 Simpson: "Yep."

22 QaQa: "Alhamdulillah I'm okay I guess."

23 Simpson: "Story after story is poppin up.

24 A family in Michigan was just attacked."

25 QaQa: "I think that I get paranoid a lot now at home

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1 lol."

2 Simpson: "It's natural. Whoever had previous
3 experiences would."

4 Q When he says that, does that give an indication of
5 something with relation to this person QaQa?

6 A Yes. It indicates that he's had previous experiences with
7 law enforcement.

8 Q Go ahead.

9 A From QaQa: "Especially at night I lay down thinking when
10 Eva I hear noises I'm like...yep that's my door coming
11 through. Bro did you get to see that video before they took
12 it down...it was a security guide for ikhwa from AQ."

13 Q Does "AQ" have significant meaning in the terminology of
14 your world?

15 A Yes. That's al-Qa'ida.

16 Simpson: "No I will ask for it though.

17 Insha Allah."

18 From QaQa: "Yeah try get it insha Allah it's a must
19 watch very beneficial especially for us still about."

20 Q The term "us still about," could you understand what that
21 meant?

22 A I assessed it to mean that those that were still in the
23 West and not in the Islamic State.

24 Q Going on to April 1, 2015.

25 A This is a conversation with Miski again. It says: "I

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1 think he's claiming he belongs to IS bro."

2 Q Now, is the word "IS" there the word "is"?

3 A No. I assessed it to be "I-S" as in "Islamic State."

4 Q And what does Miski say?

5 A "Na3m akhi, I've heard of it."

6 Simpson: "Okay, anyone you can ask about him?"

7 Q Based on those messages, could you assess what it was they
8 were talking about there?

9 A I assessed that Simpson was trying to vet somebody who was
10 claiming to be an Islamic State member through Miski.

11 Q And did Simpson later send a Twitter handle to Miski?

12 A Yes. He sent him the handle "@Muslim_Sniper_1."

13 Q And did Simpson later have a conversation with a person
14 using a handle very similar to that?

15 A Yes, he does.

16 So on April 20th: "Wa alaykim salam. Is your ss the
17 same?"

18 Q Does "SS" have unique meaning within your world in
19 investigating counterterrorism cases?

20 A Yes. It's Surespot.

21 Q What is Surespot?

22 A Surespot is an encrypted messaging app.

23 Q Is that something that you can exploit through open source
24 research?

25 A No. It is not.

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1 Q Is it something that law enforcement can intercept?

2 A No.

3 Q And why is that?

4 A It uses end-to-end encryption and the messages are not
5 stored through Surespot. So the only people who have access
6 to that information are the sender and the receiver.

7 Q So does that provide a more secure form of communication
8 for people who are engaged in this kind of activity?

9 A Yes, sir.

10 @Muslimsniper: "Yes I've seen your Surespot. Yes it
11 is the same. And yes his Surespot."

12 Simpson: "You should contact me there not here
13 akhi."

14 @Muslimsniper: "Is the correct. Okay. Sorry."

15 Continuing on from Simpson:

16 I expect a higher level of security from you my
17 brother." Smiley face.

18 "Khair in Sha Allah."

19 "Sorry bro."

20 From Simpson: "My situation here is not easy."

21 Another smiley face.

22 @Muslimsniper: "Come on Surespot."

23 From Simpson. "I sent you a message there."

24 Q I notice, by the way, that the Twitter icon had changed
25 for Elton Simpson. Is that the icon that he was using on this

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1 particular account?

2 A Yes. This was his profile picture for the @tawaakul
3 account.

4 Q And do you recognize the person depicted in that picture?

5 A Yes.

6 Q Who is that person?

7 A That is Anwar al-Awlaki.

8 Q Reading this communication between Simpson and this
9 @Muslimsniper person, could you tell from the tone of the
10 conversation what was going on between the two of them?

11 A Simpson seemed to be jokingly scolding @Muslimsniper for
12 not having enough security for messaging him through Twitter
13 and not through Surespot.

14 So this is another conversation with Miski. This is
15 on April 23rd. "Checks my '@' to you."

16 From Miski: "I just read it akhi. Subhanallah."

17 "The kibr."

18 "Kibr to the fullest akhi. May Allah swt bring a
19 soldier from him who'd avenge his beloved Prophet."

20 Q You mention this is April 23rd what is the time?

21 A The time is 1:02 a.m.

22 The first, the "check my @ to you" came at 12:51 a.m.

23 Q May I have a moment?

24 Did that correspond to the tweet on April 23 which is
25 in Exhibit 153?

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1 A Yes. It does.

2 Q The timing of this?

3 A Yes. On April 23rd I believe at 12:42 a.m. is when
4 Simpson posted the tweet about the contest saying "when will
5 they learn."

6 Q And the word "kibr" or "kibr," however that is pronounced,
7 have you become familiar with that term?

8 A Yes.

9 Q And to what does that refer?

10 A It's "arrogant" or "arrogance."

11 Q Now, moving to May 2nd, 2015.

12 A So this one is again with Miski: "Is your SS working?"

13 Surespot.

14 "Yes akhil habeeb."

15 From Simpson: "And juba89."

16 Q Through your work did you become familiar with that handle
17 "juba89"?

18 A Yes. That was one of Elton Simpson's Surespot I.D.s.

19 "I sent you a request akhi."

20 Q Now, moving forward to April 15th.

21 A "As salamu alaykum akhil kareem. Afwan for the
22 disturbance."

23 Q Are you familiar with that term "Afwan"?

24 A I am not.

25 Q Okay.

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1 A "Isn't Surespot more secure than kik?"

2 Q What is "kik"?

3 A Kik is another messenger app.

4 Q Is it another app that offers a level of security to
5 users?

6 A It does.

7 Q Can you explain that a little bit?

8 A I do not know as much about kik.

9 Q Okay. Is it known to be more or less secure than
10 Surespot?

11 A Less secure.

12 "Yes akhi it is. I have Surespot too."

13 This is from Junaid Hussain.

14 He then provides his surespot I.D.

15 "Abuhussain3. Walaykumsallam."

16 From Simpson: "Do you mind if I add you to Surespot?
17 I'm juba8021."

18 Q Is that another one of Simpson's Surespot handles?

19 A Yes. Simpson had several Surespot handles that he
20 communicated out through Twitter direct messages.

21 Q The next message.

22 A "I'll add you insha Allh."

23 "Allah."

24 Q Is this another example of him correcting himself with an
25 asterisk?

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1 A Yes, it is.

2 "No problem akhi, add me inshaAllah."

3 From Simpson: Okay just sent you an invite."

4 Q Okay. Now we're skipping back to February 17, 2015.

5 Did Simpson have another conversation with a person
6 on Twitter, a person that was overseas?

7 A Yes, he did.

8 Q Okay. Let's go on through this.

9 A "More and more raids happening in UK."

10 "Subhan Allah."

11 This is with that --

12 Q Is that that "QaQa" person again?

13 A It is the "QaQa" person again.

14 Q Okay. Go ahead.

15 A "Yeah. One hundred percent."

16 "Bro this is just the start of the CTS bill."

17 "Watch next month."

18 "They just gathering info right now."

19 "By March so much more raids."

20 "They just stacking up them two raids."

21 "They nothing bro,"

22 "They go inn when they ready."

23 "May Allah protect us all Ameen."

24 "Masha Allah. May Allah increase you in insight."

25 Q Still the same day, correct?

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1 A Yes.

2 From QaQa: "It's different out here that's why we
3 just on point super alert."

4 From Simpson: "Bro you are about to make me choke on
5 my Fritos."

6 QaQa: "Cant slip."

7 LOL with a few extra O's.

8 "What's Fritos?"

9 "Lool."

10 "Chips basically."

11 From QaQa: "Nah I'm being for real."

12 From Simpson. "Potatoes chips."

13 From QaQa: "It's crazy over here."

14 "YH we call those crisps."

15 From Simpson: "You call fries chips Sah?"

16 QaQa: "YH we call fries chips."

17 Simpson: "And diapers nappies."

18 QaQa: "Looool yhh."

19 From Simpson: "Bro I was just telling a bro from
20 Philly what you said."

21 QaQa: "And pants trousers."

22 "We in here rollin bro."

23 Q When he says "we in here rollin," what does that refer to?

24 A Laughing.

25 QaQa: "lol. Yh. Wats he saying."

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1 "Tell him give a.r. ab dawah."

2 Q Do you know what those terms refer to?

3 A I do not.

4 Q Continuing?

5 A From Simpson:

6 "Felons can't have guns here."

7 From QaQa: "Who police nah they come to my house
8 with them big things yo it's crazy. They have them at ma
9 windows. It be like summer in the middle of the night the way
10 they light up ma house at night last time all ma neighbors
11 there windows was wild man."

12 Q Go ahead.

13 A This is a little bit later in their conversation.

14 "Man out here I could get the best of guns here
15 without that amount LOL."

16 Q Earlier in the conversation they had been talking about
17 gun prices?

18 A Yes, they had.

19 Q And money?

20 A "You."

21 Clarifying again.

22 QaQa: "With a connect though like 1700 and then you
23 the man double up on sales an you winning. LOL I know."

24 Simpson: "Yeah."

25 From QaQa: "I heard you get ASK for like 500 400 man

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1 that's cheap."

2 Simpson: "Yep, seen that before."

3 QaQa: "That's cheaper than sham."

4 Q Do you know what "sham" is?

5 A Yes. "Sham" refers to Syria.

6 Simpson: "For reals."

7 QaQa clarifies. "AKS."

8 Q Okay. And this is "AKS," correct?

9 A Yes.

10 Q Looking at the conversation, going back to the previous
11 part of it, to what does that refer?

12 A Earlier he says "ASK."

13 Q So does that mean he meant to say "AKS" right there?

14 A Yes, it does.

15 Q And in your world what is an "AK"?

16 A It's an assault rifle.

17 Q Go on.

18 A "Yeah trust bro out there life different."

19 Q When he says that, is he referring to sham?

20 A Yes.

21 "Alhamdulillah tho. Whats the bro from Philly saying
22 though man whats poppin in his side they need a set up them
23 dawah tables."

24 Simpson: "He stay out here. LOL."

25 Q So when he says "he stay out here," what does that mean?

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1 MS. PLOMIN: Objection. Calls for speculation.

2 THE COURT: Sustained.

3 MR. KOEHLER: That's all I have at this time.

4 I want to just make sure if I might have just one
5 moment, Your Honor.

6 THE COURT: Yes.

7 BY MR. KOEHLER:

8 Q I'm going to place on the document camera what is already
9 in evidence as Exhibit 134. Can you read the date and time on
10 that particular -- the EXIF data for that particular
11 photograph?

12 A Yes. Date taken 2/18/2015 at 2:17 a.m.

13 Q And do you recognize the person in that photo?

14 A Yes. That's Elton Simpson.

15 Q And this is 135 also in evidence?

16 A And that's 2/18/2015 at 2:18 a.m.

17 Q And who is depicted in that photo?

18 A Abdul Malik Abdul Kareem.

19 Q And so these photos were taken early in the morning hours
20 following this conversation that we just covered the Twitter
21 conversation?

22 A Yes.

23 MR. KOEHLER: I have no further questions at this
24 time.

25 THE COURT: Ms. Plomin.

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1 MS. PLOMIN: Thank you.

2 CROSS EXAMINATION

3 BY MS. PLOMIN:

4 Q Good morning.

5 A Good morning.

6 Q Is it Agent Neville?

7 A I'm an Intelligence Analyst, ma'am.

8 Q Okay. Mr. Neville.

9 A Sounds good.

10 Q All right. So, Mr. Neville, just to start with the
11 Twitter accounts that you were discussing, did you search for
12 a Twitter account for our client Mr. Abdul Kareem?

13 A Yes.

14 Q And you didn't find one, did you?

15 A No, I did not.

16 Q You found no activity of Mr. Abdul Kareem on Twitter,
17 correct?

18 A No. I did not find any.

19 Q All right. So everything that you've testified to today
20 pertained to Mr. Simpson communicating with others or posting
21 tweets on Twitter publicly?

22 A That is correct.

23 Q All right. And as part of your duties as an Intelligence
24 Analyst, you are to monitor open source data including Twitter
25 accounts, correct?

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1 A Yes, ma'am.

2 Q And that includes people of interest to the FBI who might
3 be planning some sort of an attack or be participating in
4 terrorist activity; is that true?

5 A Yes.

6 Q And you're aware that Elton Simpson back in 2010 was
7 prosecuted for and later convicted of lying to the FBI after
8 he had been originally charged with a terrorism-related
9 offense?

10 A I'm aware of it, but I was not part of that investigation.

11 Q And the FBI can certainly monitor public Twitter or tweets
12 of anyone, correct?

13 A As long as they are public.

14 Q And Mr. Simpson's tweets in this case that you testified
15 to, the public tweets, for instance, when he posted in
16 February about the Garland, Texas attack, anybody could view
17 that, correct?

18 A Yes, ma'am.

19 Q Including the FBI, correct?

20 A Yes, ma'am.

21 Q And anybody could view when he posted, "When will they
22 ever learn" and posted a hash tag -- I'm sorry -- a link to
23 the Texas drawing contest, correct?

24 A Yes, ma'am.

25 Q Including the FBI? The FBI could see that on April 23rd

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1 he posted that tweet, correct?

2 A That was a public tweet, ma'am.

3 Q Now, you also discussed some private messages that were
4 sent between Mr. Simpson and some other individuals. Those
5 were not --

6 You also mentioned Surespot and another maybe -- I'm
7 not sure if you called it an application -- but a means of
8 hiding your communications.

9 These private messages, those were not done through a
10 filter where these communications were hidden like Surespot,
11 correct?

12 A That is correct.

13 Q So if the FBI wanted to -- and this was a person of
14 interest -- they could get a warrant and look at these private
15 messages, correct?

16 A If they had a warrant.

17 Q Right.

18 Now, you're not an expert in counterterrorism, are
19 you?

20 A No, ma'am.

21 Q And you're not an expert in Islamic studies, correct?

22 A No, ma'am.

23 Q And you are not an expert in Arabic translation, correct?

24 A No, ma'am.

25 Q So what you testified that you believed -- some of these

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1 words and terms within these tweets -- what you believed them
2 to mean, you were basing them on what you've seen on the
3 Internet, correct?

4 A Yes, ma'am.

5 Q Okay. No formal education in those areas, correct?

6 A No, ma'am.

7 Q Now, while we're on the topic, I want to draw your
8 attention to the April 1st tweet between Elton Simpson and
9 Miski or the conversations -- I'm sorry, the private
10 conversations.

11 And just to clarify, these private conversations,
12 others cannot view them if they go onto Twitter? It's not
13 public?

14 A No, ma'am.

15 Q And you mentioned or you read a conversation where
16 Mr. Simpson says "I think he's claiming he belongs to IS bro."

17 And Miski responds something to the effect of -- I'll
18 put it up on the screen, actually.

19 And this is from Exhibit 480 that has been admitted
20 into evidence?

21 Something to the effect of: I've heard of it.

22 And then Simpson responds:

23 Okay. Anyone you can ask about him?

24 Correct?

25 A Yes.

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1 Q And you interpreted that to mean that he was -- Simpson
2 was asking about somebody he knew who was wanting to join
3 ISIS. Is that what you testified to?

4 A No. I think he was vetting somebody who was claiming that
5 they belonged to ISIS and asking Miski if there was anybody
6 Miski could verify that he did or did not work for ISIS.

7 Q And you don't know if he was talking about somebody online
8 who he was talking to, correct?

9 A Not specifically, no.

10 Q You don't know if this is somebody who he had read about
11 in a magazine or in some kind of publication, correct?

12 A No. I do not.

13 Q You don't know if he had any idea who this person was,
14 even if your interpretation that he was talking about or
15 vetting somebody is correct; is that true?

16 A Yes.

17 Q All right. So you have no idea who he was talking about
18 or exactly what he was saying; is that true?

19 A We assessed it to be @Muslimsniper because he sends that
20 handle to him.

21 Q You believed he was talking about @Muslimsniper?

22 A Yes.

23 Q And did you have an occasion to determine who that account
24 was linked to? @Muslimsniper?

25 A Do you mean the owner of that account?

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1 Q Yes.

2 A No. All I have is the handle.

3 Q Okay. But you do know that Mr. Abdul Kareem did not have
4 any Twitter accounts, correct?

5 A I do know that, yes.

6 Q So you know that Mr. Abdul Kareem is not @Muslimsniper?

7 A Yes, ma'am.

8 Q Now, turning to the conversation on February 17th and this
9 continues to be from Exhibit 480 that's been admitted.

10 Okay. Let's start with that. Now, in this
11 conversation they're talking -- would it be safe to say that
12 Miski and Elton Simpson are joking around about potato chips
13 and what the difference is between what the British say and
14 what they call them in America?

15 A This is not with Miski, ma'am. This is with a different
16 user.

17 Q Okay. Who -- do you know who the other user is?

18 A I do not.

19 Q Would it be safe to say that whoever Simpson is talking
20 to, they're joking around about differences in the British
21 vernacular and the American vernacular?

22 A At this point in the conversation, yes.

23 Q Okay. And then they're talking about fries and chips and
24 diapers and nappies, correct?

25 A Yes, ma'am.

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1 Q Okay. And then right after Simpson says -- makes the
2 comment, the joke about diapers and nappies, the other
3 individual responds: "LOLOL."

4 And then the next sentence is:

5 Bro I was just telling a bro from Philadelphia about
6 what you said, correct?

7 A Yes.

8 Q After they're talking about the differences between
9 British and American vernacular and joking about it, correct?

10 A Yes.

11 Q And you don't know who that bro from Philadelphia is,
12 correct?

13 A I do not.

14 Q Now, on direct you testified that the word "hijra," you
15 interpreted that to mean -- initially you said you interpreted
16 it to mean that it's to travel for the purpose of Islam,
17 right?

18 A Yes, ma'am.

19 Q And then you went on to say that you thought that this
20 particular circumstance it's talking about traveling for the
21 Islamic State?

22 A Not in this particular circumstance, ma'am.

23 Q Okay.

24 A In general we're seeing now when "hijra" is used in
25 conversations, it's often used to refer to travel to the

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1 Islamic State, specifically.

2 Q And, again, you have no formal training in
3 counterterrorism or Islamic studies, correct?

4 A No. That's just through my experiences as an FBI analyst.

5 Q All right. And "hijra" also has been used for a very,
6 very long time to refer to travel to -- for the Islamic
7 religion in order to go to sites that are important in Islam,
8 correct?

9 A Yes, ma'am.

10 Q And these Surespot or Kik -- you testified on direct --
11 what would you call them? Applications? Or what would the
12 terminology be?

13 A Messaging applications.

14 Q Messaging application. Do they have to be filtered
15 through a Twitter account or something to that extent?

16 A No. They do not.

17 Q And to your knowledge has there been anything like that,
18 any trace of that found in any of the devices that Mr. Abdul
19 Kareem had?

20 A I'm not aware. I did not do the analysis on all of the
21 devices.

22 Q All right. Now, I want to loop back to your testimony
23 about the conversation -- or I'm sorry -- the communications
24 between Mr. Abdul Kareem and Elton Simpson and Nadir Soofi.

25 A Yes, ma'am.

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1 Q Or at least their phone numbers.

2 A Yes, ma'am.

3 Q Okay. Now, you testified that Elton Simpson and Mr. Abdul
4 Kareem they communicated a lot, correct?

5 A Yes, ma'am.

6 Q And you're aware that they were friends?

7 A Yes.

8 Q And the beginning of your testimony, you testified of
9 communications in March of 2015. And would it be safe to say
10 they're just saying "Hey, where are you."

11 "I'll come and get you."

12 Nothing of any importance, correct?

13 A No. That was just an indication of them meeting up.

14 Q Okay. And they're -- strike that.

15 Now, April 6, 2015, text conversation that you talked
16 about, I'm placing a page from Exhibit 478 onto the screen
17 that's been admitted.

18 At 1:07 p.m. can you read from 1:07 to 2:29 p.m., the
19 conversation?

20 A Yes, ma'am.

21 1:07 p.m. Simpson. "Hey, me you and AK should go get
22 chai."

23 1:07 p.m. Simpson: "And a snack."

24 1:10 p.m. Kareem: "Okay."

25 2:28 p.m. Simpson: "Are you out yet?"

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1 2:28 p.m. Kareem: "I have to go and pick up the
2 prescription and then go get dressed I just got out."

3 2:29 p.m. Simpson: "How long you think?"

4 Q And just go on for the next two lines, please.

5 A 2:31 p.m. Kareem: "Hey you guys I still gotta get my
6 washer and dryer and refrigerator on in the house hit me up
7 when you guys finish."

8 2:33 p.m. Simpson: "LOL."

9 Q Okay. So it sounds like they're just having casual
10 conversation about going out to eat and get some tea, correct?

11 A Yes, ma'am.

12 Q And that's what's happening on April 6th about one o'clock
13 in the afternoon, correct?

14 A Up until 2:33 p.m., ma'am.

15 Q And would it be fair to say that the communication that
16 you viewed between the text messages that you viewed between
17 Mr. Abdul Kareem and Mr. Simpson, they are talking about
18 normal, everyday activities such as going on errands, joking
19 around, and just hanging out, making plans to see each other;
20 is that fair?

21 A Yes, ma'am.

22 MS. PLOMIN: Does the court have Government's Exhibit
23 478?

24 Your Honor, may I approach the clerk?

25 THE COURT: Yes.

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1 MS. PLOMIN: Thank you.

2 BY MS. PLOMIN:

3 Q You probably guessed I'm going to draw your attention to
4 May 1, 2015?

5 A Yes, ma'am.

6 Q Okay. Now, you testified to the conversation between
7 Simpson and Mr. Abdul Kareem on May 1st, 2015.

8 And Mr. Simpson's text at 9:12 p.m., does that
9 indicate to you that Mr. Simpson is apologizing to Mr. Abdul
10 Kareem for having a fight the day before?

11 A Based on that, yes.

12 Q And you don't know what it was about, correct?

13 A I do not, ma'am.

14 Q All right. And then 9:28 -- I'm sorry -- let's go back to
15 9:12. Mr. Simpson says:

16 "I know you hooked it up though. LOL." Correct?

17 A Yes, ma'am.

18 Q He says I'm sorry I can't make it, correct?

19 A Yes, ma'am.

20 Q And Kareem merely responds that he didn't cook it,
21 correct?

22 A Yes, ma'am.

23 Q Are you aware that Mr. Kareem invited several --

24 Well, you did. You looked at Mr. Kareem's text
25 messages, correct?

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1 A I did, yes, ma'am.

2 Q And in those text messages he was inviting several people
3 over because he had made a feast, essentially, and you saw
4 that in the text messages, correct.

5 A I don't recall the content from those messages, no.

6 Q So you don't recall Mr. Abdul Kareem asking several
7 people, saying, hey, why don't you come over for dinner,
8 correct?

9 A I recall hearing it but I don't recall the exact content
10 and who it was with. Let me clarify.

11 Q But you do recall him inviting people over to eat?

12 A Yes.

13 Q And "LOL," can you just repeat what that means for the
14 jury?

15 A "Laughing out loud."

16 Q Okay. So Simpson's attitude is pretty light-hearted in
17 this message, correct?

18 A Based on that, maybe.

19 Q So based on the records that you reviewed, Mr. Abdul
20 Kareem called Soofi's phone number, the phone number you
21 associate with Soofi, about midnight on May 3, 2015, correct?

22 A Yes, ma'am.

23 Q And that's after the attack occurred in Texas, correct?

24 A Yes, ma'am.

25 Q And it says one minute there.

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1 You're aware that Mr. Soofi was already dead at that
2 point, correct?

3 A Yes, ma'am.

4 Q So one minute. He clearly did not speak to Mr. Soofi?

5 A No, ma'am. That's as billed by T-Mobile in their returns.

6 Q What does that mean?

7 A That means that they charge anything that's a minute or
8 less to a minute.

9 Q So if --

10 THE COURT: But the question is: Do they charge if
11 nobody answers?

12 THE WITNESS: I do not know that. I just know that
13 the returns show a one-minute call.

14 THE COURT: Because we know that Mr. Soofi didn't
15 answer.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: So somehow a call was made. Not
18 answered. But there's still a one-minute charge for it?

19 THE WITNESS: To clarify. It's on the returns. It's
20 on the record showing a one-minute thing.

21 THE COURT: But you don't know --

22 So if we see a whole bunch of other one-minute ones,
23 we have no idea whether that was a completed call or not a
24 completed call?

25 THE WITNESS: No. The record does not differentiate

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1 between answered or not answered. It's just whether or not it
2 completes to the other phone.

3 BY MS. PLOMIN:

4 Q So, for instance, if Mr. Abdul Kareem's phone called a
5 phone number associated with Mr. Nadir Soofi and it connected
6 to voice mail, would that show one-minute call?

7 A Based on my review, yes.

8 Q All right. And that just reminds me.

9 In your analysis that there are 659 total telephonic
10 communications exchanged between Mr. Abdul Kareem and
11 Mr. Simpson and Mr. Soofi, does that include the one-minute
12 duration phone calls that could be just connecting the voice
13 mail?

14 A Yes, it does.

15 Q Okay. And then similarly, Mr. Kareem calls Mr. Simpson
16 1:26 a.m. and there's a one-minute on May 4th, I'm sorry, and
17 there's that one-minute notation.

18 Does that mean the same to you? Connected voice
19 mail?

20 A Yes, ma'am.

21 Q And, again, Mr. Soofi at 8:29 a.m. on May 4th?

22 A Yes, ma'am.

23 Q Same thing?

24 A Yes.

25 Q Are you aware that Ali Soofi and Nadir Soofi had switched

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1 the SIM cards out of their phones so they essentially
2 exchanged cell phone numbers so Nadir's number became Ali's
3 number?

4 A I was not, ma'am.

5 Q And you obviously don't know when that happened, correct?

6 A I don't not, ma'am.

7 Q But if Mr. Abdul Kareem had a phone number for Nadir Soofi
8 and the numbers had been switched --

9 Well, let me -- I'll withdraw that. Strike that.

10 Moving to Exhibit 479, the summary of the text
11 messages of Mr. Abdul Kareem on May 3rd and May 4th. Are
12 these all of the text messages that you recovered on May 3rd
13 and May 4th on Mr. Kareem's phone?

14 A No. They are not.

15 Q All right. So you just picked out the ones that were
16 important to you?

17 A No, ma'am. I removed a couple that had identifiable
18 information. I was unaware whether or not that could or could
19 not be shown.

20 Q I see. But aside from that is this complete to you?

21 A Yes.

22 THE COURT: Were the ones that you did not include on
23 this report messages that you interpreted as related to his
24 moving business?

25 THE WITNESS: Yes, ma'am.

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1 THE COURT: With personal identifying information?

2 THE WITNESS: Yes, ma'am.

3 BY MS. PLOMIN:

4 Q So there are actually more texts on April 3rd and April
5 4th about his moving business and him communicating about his
6 business, correct?

7 MR. KOEHLER: Just to clarify the record, May 3rd and
8 4th.

9 THE COURT: I think you said "April."

10 MS. PLOMIN: Oh. May 3rd and 4th?

11 THE WITNESS: Yes, ma'am.

12 BY MS. PLOMIN:

13 Q So when you become aware of a phone number, you can either
14 issue a warrant or a subpoena to the provider in order to find
15 out who the subscriber to that phone number is; is that right?

16 A That's generally done by agents, ma'am.

17 Q Okay. But law enforcement can do that, correct?

18 A Yes.

19 Q All right. And did anybody ascertain who this phone
20 number belonged to ending in "8365"?

21 A I am unaware of anybody.

22 MS. PLOMIN: Madame Clerk, may I have Exhibit 479.

23 May I approach, Your Honor.

24 THE COURT: Yes.

25 MS. PLOMIN: Thank you.

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1 BY MS. PLOMIN:

2 Q So I'm placing Exhibit 479 on the screen for the jury to
3 see and for you to see.

4 This phone number "4804488365," we don't know whose
5 phone number that is, correct?

6 A I do not know whose phone number that is, ma'am.

7 Q But it's your understanding this is a person who Mr. Abdul
8 Kareem communicated with relating to posting ads for his
9 moving business, correct?

10 A Yes, ma'am.

11 Q So on May 3rd at six o'clock p.m. -- and I'm sorry.

12 What time was the attack in Texas?

13 A It was at 6:51 p.m. Arizona time.

14 Q At six o'clock. 6:01 --

15 THE COURT: Wait. Wait. Wait.

16 I thought you said it was at 6:51 Texas time.

17 THE WITNESS: That is correct, ma'am. I'm sorry.

18 6:51 Texas. 4:51 Arizona.

19 BY MS. PLOMIN:

20 Q Okay. So it's 6:01:25. 6:01 p.m. Mr. Abdul Kareem is
21 receiving text messages from this phone number just asking him
22 where he is, correct?

23 A Yes, ma'am.

24 Q And then Mr. Abdul Kareem texts him back, this guy who is
25 posting ads for him for his business, correct?

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1 A Yes, ma'am.

2 Q And that's at 8:21:29 p.m. Correct?

3 A He texted him back, it looks like, at 8:46 p.m.

4 Q All right. And then do you know who Asma -- spelled
5 A-S-M-A -- do you know who that is?

6 A I do not, ma'am.

7 Q Are you aware that this is a person that Mr. Abdul Kareem
8 also communicated with about posting ads for his business?

9 A I am not, ma'am.

10 Q Did you look to see within the records whether or not
11 there was other communications with this person about ads for
12 Craiglists --

13 A I did not.

14 Q -- for his business?

15 A No, ma'am. I did not.

16 Q And at 8:49:05 p.m. he says:

17 "Salaam walaikum brother call me."

18 Correct?

19 A Yes, ma'am.

20 Q And that's Mr. Abdul Kareem sending that out, right?

21 A Yes, ma'am.

22 Q And what does "salaam walaikum" mean, do you know?

23 A I do not know.

24 Q Have you ever heard it before?

25 A Yes.

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1 Q And it's a common greeting for Muslim people to greet each
2 other with; is that right?

3 A I believe so.

4 Q And then so up until 9:45:11 p.m. on the night of May 3rd,
5 Mr. Abdul Kareem is communicating with people who are posting
6 ads for his moving business, correct?

7 A Yes, ma'am.

8 Q And then at that time at 9:25:23 p.m. -- I'm sorry.

9 9:45:11 p.m. he sends a text to Mr. Abdul Khabir and says:

10 There's something really important. I want to talk
11 to you.

12 Is that right?

13 A Yes. First he says: Unblock my number.

14 Q I'm glad you reminded me.

15 "Unblock my number."

16 Does that indicate to you that maybe they had been --
17 Mr. Abdul Khabir and Mr. Abdul Kareem may have been having an
18 argument before?

19 MR. KOEHLER: Objection. Calls for speculation.

20 THE COURT: Sustained.

21 BY MS. PLOMIN:

22 Q Does it indicate to you that the number was blocked?

23 A Yes, ma'am.

24 Q And so the next day Mr. Abdul Kareem starts receiving
25 texts notifying him of the contest and perhaps that Ibrahim is

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1 dead, is that correct, on May 4th?

2 A Yes, ma'am.

3 Q He receives a text from Abdul Mubarak sending him a link
4 to a news article, a public news article; is that right?

5 A Yes, ma'am.

6 Q And that is at 5:30 in the morning, correct?

7 A Yes, ma'am.

8 Q And then Abdul Kahbir at 10:28:28 a.m., he's texting Mr.
9 Abdul Kahbir -- I'm sorry -- Mr. Abdul Kareem saying:

10 If you type the name Elton Simpson on the Internet,
11 Ibrahim picture pops up with them talking about attack in
12 Texas.

13 And so he's notifying him as well; is that correct?

14 A Yes, ma'am.

15 Q And meanwhile, on the day of May 4th, Mr. Abdul Kareem is
16 communicating with people about his moving business, correct?

17 A Yes, ma'am.

18 Q And I want to go back to the morning of May 3rd. The
19 review of the text messages, your review of the text messages
20 of Mr. Abdul Kareem's phone, he was communicating to somebody
21 about a moving job that day, correct?

22 A Yes, ma'am.

23 THE COURT: Excuse me, Ms. Plomin. We're going to
24 break for lunch.

25 Ladies and gentlemen, we will reconvene at 1:15.

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1 I want to remind you again of the admonition not to
2 discuss the case among yourselves or with anyone else.

3 Please do not form any conclusions about the case
4 until you have heard all the evidence and begun your
5 deliberations.

6 Court is in recess until 1:15.

7 (Recess taken at 11:59 a.m.; resumed at 1:18 p.m.)

8 THE COURT: Thank you, ladies and gentlemen. Good
9 afternoon. Please sit down. The record will show the
10 presence of the jury, counsel, and the defendant.

11 Ms. Plomin, you may continue with your questions for
12 Mr. Neville.

13 MS. PLOMIN: Your Honor, I don't have any further
14 questions.

15 THE COURT: Thank you. Mr. Koehler, redirect?

16 **REDIRECT EXAMINATION**

17 BY MR. KOEHLER:

18 Q Thank you, Your Honor, and good afternoon everyone.

19 Mr. Neville, first off, you were asked about
20 Mr. Simpson's public activity on Twitter.

21 Did any of the messages that you saw on his public
22 Twitter profile rise to the level of being unlawful in any
23 way?

24 A No, sir.

25 Q The next thing is about your training.

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1 Have you -- has your training focused on the areas in
2 which you described in your testimony today?

3 A Yes, sir.

4 Q The terms that you observed that you talked about knowing
5 the meaning of, how often do you see those terms?

6 A On a daily basis, sir.

7 Q Now, I want to talk to you about Surespot.

8 Ms. Plomin asked you a question about getting a
9 search warrant for Surespot. Does Surespot store data in a
10 way that the FBI could execute a search warrant at Surespot
11 and get any of that data?

12 A They do not store any kind of content. There's no way of
13 getting any of the content of messages.

14 Q And if the user has deleted the content from their device,
15 can it be gotten from the device?

16 A No. It cannot.

17 THE COURT: So when you said they don't retain any
18 content, you sort of implied that there is something you could
19 get from Surespot. What is it?

20 THE WITNESS: I'm not fully aware of what it is but I
21 have heard that you can get some of the to/from kind of data.

22 THE COURT: So the fact that a communication was made
23 but not what the content was?

24 THE WITNESS: As long as it hasn't been deleted.

25 Once it's deleted from a device, it deletes from their servers

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1 as well.

2 THE COURT: Thank you.

3 BY MR. KOEHLER:

4 Q One of the terms that we discussed earlier was the word
5 "hijra."

6 In the Islamic State magazine Dabiq is "hijra" a term
7 used in that magazine?

8 A Yes, it is.

9 Q Is it, in fact, the title of one of their magazines? In
10 other words, one of their issues of the magazine?

11 A Yes, it is.

12 Q What is the full title of that issue?

13 A I do not know the full title offhand.

14 Q Okay. With respect to the issue of noncompleted calls,
15 was the fact that a call could go to voice mail one of the
16 reasons that you looked at the records for both calls to
17 correlate them?

18 A Yes, sir.

19 Q For both phones.

20 And did that help you rule out possible calls that
21 looked like noncomplete calls?

22 A Yes, sir.

23 Q And, again, what was the count of the calls that you ruled
24 out?

25 A There were eight that were on one record and not the

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1 other. And 14 that were on both records but with a
2 zero-second duration on Simpson's.

3 Q So a total of 22 calls that you ruled out for that reason?

4 A Yes.

5 Q Between April 23, 2015 and April 29 of 2015 were there any
6 communications at all, whether they were text messages,
7 outgoing phone calls that might have gone to voice mail, or
8 calls with zero-seconds duration of any sort between Elton
9 Simpson and Abdul Malik Abdul Kareem's phones?

10 A Not in the records I reviewed.

11 Q And the last thing, I believe it was Exhibit 479, that you
12 had the May 3rd and 4th, 2015 text messages.

13 A Yes, sir.

14 Q You mentioned that you omitted text messages that had
15 personally identifying information in them.

16 Did you review over the lunch hour to see how many
17 text messages you omitted?

18 A Yes, I did.

19 Q How many messages were they?

20 A There were two messages.

21 Q And, in general, can you describe what those two messages
22 were?

23 A Yes. They were messages -- first one from a potential
24 client that had her full name, address, phone number, and her
25 husband's phone number.

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1 The second message was that being forwarded to
2 Lafayette.

3 MR. KOEHLER: No further questions.

4 THE COURT: May Mr. Neville be excused?

5 MR. KOEHLER: Yes.

6 THE COURT: Any objection?

7 MS. PLOMIN: No, Your Honor.

8 THE COURT: Thank you very much, Mr. Neville. You
9 may step down and you are excused as a witness.

10 (End of excerpt of proceedings.)

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 2nd day of May, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE